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NAVY PROMOTION POLICY

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

DECEMBER 13, 1985

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NAVY PROMOTION POLICY

FRIDAY, DECEMBER 13, 1985

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met in open session pursuant to notice, at 10 a.m., in room SR-222, Russell Senate Office Building, Senator John W. Warner, presiding.

Present: Senators Warner, Thurmond, Quayle, Denton, Gramm, Nunn, Bingaman, and Glenn.

Staff present: James F. McGovern, staff director and chief counsel; Arnold L. Punaro, staff director for the minority; Alan R. Yuspeh, general counsel; Jeffrey H. Smith, minority counsel; Christine C. Dauth, chief clerk; Patrick A. Tucker, counsel; Toni D. White, special assistant; John J. Hamre and David S. Lyles, professional staff members; Colleen M. Getz, Russell C. Miller, and Patricia L. Watson, research assistants; and Mary J. Kampo, staff assistant.

Also present: Romie L. Brownlee, assistant to Senator Warner; Henry D. Sokolski, assistant to Senator Quayle; Mark J. Albrecht, assistant to Senator Wilson; Allan W. Cameron, assistant to Senator Denton; Alan Ptak, assistant to Senator Gramm; Janne E. Nolan, assistant to Senator Hart; Jeffrey B. Subko, assistant to Senator Exon; John B. Keeley, assistant to Senator Levin; Charles C. Smith, assistant to Senator Dixon; Phillip P. Upschulte and Milton D. Beach, assistants to Senator Glenn.

OPENING STATEMENT BY SENATOR JOHN W. WARNER, PRESIDING

Senator WARNER. Good morning.

The committee meets this morning to receive testimony on Navy promotion policies and specifically on the matter of the promotion of some 123 Navy officers to the rank of commander prior to the Senate confirming the President's nomination of those officers to that grade.

This matter was officially brought to the attention of the committee through a letter dated November 25, 1985, from Under Secretary of the Navy, James F. Goodrich. In that letter, Under Secretary Goodrich stated he approved the report of the fiscal year 1986 Line Commander Selection Board on March 29, 1985, and on that same day signed a memorandum forwarding that promotion list to the Secretary of Defense.

He further stated that the memorandum and report were erroneously filed and the promotion list was not forwarded to the Senate for confirmation.

Nonetheless, on October 1 and November 1, 123 of the officers on that list were promoted to the rank of commander.

Additionally, 31 officers were scheduled for promotion on December 1. The Under Secretary stated that no other officers on that list would be promoted until after being confirmed by the Senate, including those due to be promoted on December 1.

That promotion list was received in the Senate on December 6, 1985, and was reported by this committee to the floor of the Senate yesterday afternoon.

When the committee considered this list, Senator Nunn raised concern about how this oversight could have happened and at the same time expressed concern about the policy of frocking, especially in the Navy. I am concerned also and joined Senator Nunn in requesting this hearing.

In order to permit the Senate to complete action on a number of nominations pending on the floor before recess, this hearing was scheduled this morning so that members could explore these issues with the Secretary of the Navy.

We should also put in the record at this point the complete letter written by Under Secretary Goodrich.

[The letter follows:]

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, 25 November 1985.

Hon. BARRY GOLDWATER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR GOLDWATER: On 29 March 1985, as the Acting Secretary of the Navy, I approved the report of the FY-86 Line Commander Selection Board and signed a memorandum forwarding the Board recommendations to the Secretary of Defense. This memorandum and the Board report were erroneously misfiled and were, therefore, not forwarded to the Senate for confirmation. This administrative error was discovered subsequent to a recent personnel transfer.

Effective 1 October and 1 November, 123 of the officers on that selection list were promoted to Commander. Additionally, 31 officers are scheduled to be promoted on 1 December. This is to advise you that the officers scheduled for promotion 1 December and subsequently will not be promoted until Senate confirmation has been obtained. We are currently reviewing the legal implications with respect to the officers previously promoted and those whose promotions will be delayed. Your staff will be kept advised.

Sincerely,

JAMES F. GOODRICH,
Under Secretary of the Navy.

Senator WARNER. Senator Nunn.

Senator NUNN. Thank you very much. I appreciate the Secretary appearing before the committee on such short notice. I hope we do not have a long hearing this morning, both for his sake and ours. I think we have had nothing but hearings this week. We have been very busy on the conference committee also.

I gave a rather lengthy statement in the open session yesterday as to why I am concerned that the nomination and confirmation process for military officers, particularly, but not exclusively in the Navy, is in a state of disarray. I laid out the reasons why I reached this conclusion yesterday and I will repeat them briefly this morning.

First, the Navy is routinely frocking thousands of field grade officers every year before their nominations have even been confirmed by the Senate. This policy, in my opinion, shows a flagrant disregard for the Senate constitutional and statutory role to confirm nominations of military officers selected for promotion.

Second, I recently learned there are currently approximately 93 officers frocked to the one-star rank whom the services do not count against the 1,073 legal limit on the number of flag and general officers in the Department of Defense. Thirty-three of these ninety-three are in the Navy, so it is apparent that this is not simply a Navy problem; two-thirds of them are not in the Navy.

Some of the services have apparently even acknowledged they used the frocking policy to meet flag or general officer requirements that they would otherwise be unable to meet because of the 1,073 limit.

Mr. Chairman, as I said yesterday, I do not think anyone on this committee put this limit on flag or general officers in place of services finding a way to get around it. As a matter of fact, this legal limit came about after 3 or 4 years going back and forth with the Department of Defense.

They finally came over and this was their suggested limit. It is not something we have arbitrarily drawn out of the hat. It is something that came out of DOD overall support. Of course, they did not want to limit it at all, but this is the number that they felt was necessary.

Finally, Mr. Chairman, the immediate reason for the hearing this morning is that the Navy has recently informed the committee that due to "administrative error," the recent promotion list for line commanders was never submitted to the Senate for confirmation.

Apparently another administrative error occurred because no one checked to see if the Senate acted on this promotion list. One hundred and twenty-three officers on this list have been promoted since October 1 of this year. These promotions are illegal because someone in the Navy did not, first of all, send the promotion list to the Senate and, second, check to see if the Senate ever acted on this promotion list.

These 123 officers were illegally promoted and are being illegally paid at higher rank through no fault of their own. As I said yesterday, the Constitution and title 10 of the United States Code sets forth very clearly the requirement for confirmation of military officers.

I want to reiterate I consider the role of the committee in the confirmation process one of our most important legislative oversight functions.

I look forward to Secretary Lehman's testimony on these points this morning.

Senator WARNER. Thank you, Senator Nunn.

The prepared statement of Senator Dixon will be inserted in the hearing record at this point.

[The prepared statement of Senator Alan Dixon follows:]

PREPARED STATEMENT BY SENATOR ALAN DIXON

Mr. Chairman, yesterday Senator Nunn brought to this committee's attention a very important issue. The Constitution and title 10 give the power to the Senate to confirm military promotions.

Senator Nunn pointed out that the services have been "frocking" officers before this committee has recommended to the Senate their promotion. The Navy, it seems, has been abusing the system to such a degree that they promoted officers without even sending the names to the Senate Armed Services Committee. These practices cannot continue. I applaud Senator Nunn for requesting this hearing with Secretary Lehman. So we can proceed to obtain all the facts about why this has been happening, and more importantly, what must be done to correct this situation.

Thank you, Mr. Chairman.

Senator WARNER. Secretary Lehman.

STATEMENT OF HON. JOHN F. LEHMAN, JR., SECRETARY OF THE DEPARTMENT OF THE NAVY

Secretary LEHMAN. I sympathize with your concern about the implications, perceptions and problems that could arise from the treatment of Senate confirmation for officer promotions as a routine, pro forma procedure. It is not.

I fully agree with Senator Nunn's belief in the fundamental constitutional importance of this. The embarrassment that we have had over the administrative mishandling of the commanders' list is one that should be taken seriously.

It is legitimate to raise this issue as well as that of the current Navy frocking policy for the ranks of captain and below.

Senator WARNER. Excuse me a minute. Senator Thurmond.

Senator THURMOND. I have to be away today.

Mr. Secretary, we are glad to have you here. I look forward to reading your testimony.

Secretary LEHMAN. Thank you, Mr. Chairman.

Senator THURMOND. I appreciate Senator Warner's taking over the hearing.

Senator WARNER. Thank you.

Mr. Secretary.

Secretary LEHMAN. First, let me take each of the issues in turn.

The administrative problem that resulted in this inexcusable failure to submit the Commander Selection Board results took place as a result of misfiling by a GS-9 supervisor of the mail records and reference branch. This person was charged with the responsibility for what we had hoped, and now know were not, fail-safe administrative procedures within the Navy Secretariat to see that things like this do not happen.

We have, over the past 5 years, successfully handled 563 promotion boards without a problem, but one problem is one problem too many and is inexcusable. The person who had this job was separated from the Navy Department. It was in the cleaning out of that person's desk that we found the missing list.

Senator WARNER. Would you give us the date please.

Secretary LEHMAN. It was discovered on November 20 of this year.

What happens normally is that when a promotion board's recommendation comes through and is approved by the Secretary of the Navy, a tape including all of the names is sent automatically to the

Armed Services Committee. The list is then sent through the Secretary of Defense for his approval and then to the President.

There is a control mechanism, that the supervisor was in charge of, to constantly review the procedure to see that things do not get lost in the system. Unfortunately, it was this same control system that was used to hold up this particular promotion list. In other words, the promotion list was taken out of the normal handling procedure for a couple of days because two people had to be withdrawn from the list for cause, and the list had to be adjusted.

That supervisor put the list in a desk drawer and forgot about it. This uncovered another unfortunate flaw in the three "fail-safe" systems that we counted on. That is, unlike Headquarters Marine Corps, Navy Headquarters did not have a required checklist to see that Senate confirmation had been validated before a name was allowed to go on the promotion list. Headquarters Marine Corps, does have such a system.

As of November 21, the Navy Headquarters has such a system as well. So, it was the confluence of two failures in administrative procedure that resulted in this inexcusable problem.

We think we have fixed what is wrong with the procedures, but again, accountability has to be accepted by the Navy Secretariat.

A person whom we put into a supervisory position to see precisely that this did not happen failed to in fact see that it did not happen. We think we have learned the appropriate lesson from that.

We immediately issued stop pay orders for all of those people scheduled to be promoted and stopped anyone else from being put on the promotion list. The promotions that have already taken place are null and void.

What we intend to do is have the individuals submit petitions to the Board for the Correction of Naval Records, if and when the list is confirmed, and to have the dates of rank and effective dates of those 120-odd persons that had been promoted and the others who were scheduled to be promoted since December 1 when we put the hold on. The board will correct and backdate the date of rank and effective date of all those individuals so that those innocent people on the list are not penalized for what was our mistake in the Navy Secretariat.

It is a regrettable chain of events and I think that the committee has acted with appropriate umbrage to see that this is not taken as just a routine bureaucratic screw up, because it is something that has to be taken very seriously. We are doing that.

As to the frocking policy, I inherited the frocking policy that is now in existence which was established in late 1979 and early 1980. Frocking, as a Navy tradition, goes back to 1783 when John Paul Jones was frocked on the occasion of the signing of the Treaty of Paris. It has been used, I think wisely and appropriately ever since.

I think it is a policy that should continue. Now that the focus is on frocking and you have rightly inquired as to the current policy, I do not believe that we should continue the policy of allowing O–6's and below to be frocked before Senate confirmation. I think that is a mistake.

I would, however, strongly support continuing the policy of frocking junior officers, once Senate confirmation has taken place.

As to the issue of frocking flag officers, current Navy policy is, and has been, to frock officers when they are in a billet that is a flag billet and after, and only after, they have been confirmed by the Senate. I believe that we should continue that policy.

The Navy has only 253 flags authorized. Yet we have requirements for 365 flag billets. I believe we should have more than 365 flag billets and perhaps, double the number of flag officers authorized.

We have, Mr. Chairman, as you know, a budget of $104 billion this year, which is larger than all of the Cabinet agencies combined when you take out the entitlement dispensing agencies. Seven Cabinet departments rolled together do not equal the budget or the personnel of the Department of the Navy.

In our industrial fund alone we have four independent operations in the shipyards, the labs, the Naval Air Rework Facilities [NARF's] weapon stations that each, individually, rank with the Fortune 500 in volume of sales operations and personnel.

We have responsibility for many, many times the number of transactions than any comparable commercial entity and, of course, we have the ultimate responsibility for Naval and Marine Corps operations. Yet, we are required to manage this huge and complex enterprise with a pay ceiling under which we are not allowed to pay a single person over $75,000 and nearly all of them well under $70,000 a year.

We have only 253 flag officers and only 452 senior executive service billets to manage this vast operation. Any well-run company has many people making well over what a flag officer makes. Any one of the top Fortune 500 companies has more people than we do of equivalent rank. They recognize the need for that authority and for being compensated appropriately.

Yet, we have a tiny fraction of that to run a far larger operation. So, we do not have too many flag officers; we have far too few. I think we need at least double the number we have to run our operation efficiently.

But we compensate in a very small way for those small numbers by at least allowing the people who are managing billions of dollars and running operations in joint commands who are filling what is obviously a huge executive responsibility in a flag billet, to wear the rank even though they have not yet had their number come up. They are not and cannot be paid at the flag level until their number comes up in the overall authorization.

So, I strongly support our current flag frocking policy and I would strongly urge you to seriously consider, as you study reform of the Pentagon and the ways we provide for the common defense, giving us more senior people, more billets and authorization to fill more billets to run the vast enterprise that we have in the Department of the Navy.

Senator WARNER. Mr. Secretary, you have said that you do not believe the present frocking policy will continue.

Does that mean you will order the policy changed so that no officer is frocked prior to Senate confirmation?

Secretary LEHMAN. I feel very strongly that no officer should be frocked before Senate confirmation.

Senator WARNER. Irrespective of rank?

Secretary LEHMAN. Irrespective of rank from ensign on up. But, I understand you have requested the Office of the Secretary of Defense to review all of the services' frocking policies and to come up with a defensewide policy.

So, we will be participating in that, but certainly my recommendation will be that there should be no frocking before Senate confirmation.

Senator WARNER. Senator Nunn.

Senator NUNN. Mr. Chairman, the Secretary has satisfied, I would say, most of my problems. He has made a very forthright and candid statement. He stated where the errors were. He has identified two spots.

I have a problem with the first Navy explanation because it was all put on somebody who did not send over the request for confirmation. A bigger problem, and you have dealt with it this morning, is that anyone can make an administrative error, we make them every day up here. There has to be a checklist, which you have acknowledged, making sure confirmation has occurred before promotion.

To me that problem is much more serious. It seems to me there should be a followup. I am not asking that some heads roll or somebody be fired, but I do think there should be some review of why that followup did not occur. Why it was not part of the Navy procedure. Maybe it was dropped sometime back.

Do you know if it was ever the Navy procedure?

Secretary LEHMAN. To the best of our records, it was never part of the procedure over in the Bureau of Personnel.

One reason is that we never had an administrative failure on the Secretariat side as we have now had. So, the requirement never seemed to have emerged.

But clearly, we need that double fail-safe system. Now we do have a requirement for a positive certification over at the Navy Military Personnel Command [NMPC] before they can add people to the list.

Senator NUNN. I am puzzled a little bit by not having that there. I do not know how you, involved in the process, as unpredictable as it is up here, know when we are going to confirm the list. Sometimes we do it in one meeting, sometimes we delay it a few weeks.

How do you know when the people were confirmed and when they were confirmed before they are actually frocked or promoted?

Secretary LEHMAN. The reason was that the timelag before a vacancy on the list would come up was usually from 6 months to more than 1 year. In recent memory, there has not been any delay in confirmation, once the list arrived at the Hill, that brought it anywhere near the span when it really became an issue.

Senator NUNN. There was so much timelag there that it never happened?

Secretary LEHMAN. That is right.

Senator NUNN. We were so diligent in our confirmation duties here that it never happened?

Secretary LEHMAN. So efficient administratively as well.

Senator NUNN. Had we delayed 6 months on this group of officers, there is nothing in the system to prevent thousands from having——

Secretary LEHMAN. Exactly right.

Senator NUNN. I feel sorry for the 123, but to get that straightened out is a step forward. I know from what you have said this morning, you will straighten that out.

Let me ask you one other question on that point. I have divided my questions into three parts.

One is this administrative problem we have just identified, but you mentioned since the Navy Board of Promotions has that list, that list is sent up to the Senate.

Secretary LEHMAN. Yes, sir.

Senator NUNN. Doesn't that have to go through the Secretary of Defense and President to sign off on, first?

Secretary LEHMAN. No; it is an information copy of our computer tape containing all the names. It is sent right up to the Armed Services Committee. I believe the tape from this board was sent to your committee on April 16.

It is just a pro forma info list while it is going to the Secretary of Defense and then to the President for his decision. This provides you with your own kind of fail-safe mechanism as well, because, if you have a tape and you never get a promotion list, then you will eventually ask what happened.

Senator NUNN. We obviously get another list which usually is the same list after it has been signed off on by the President?

Secretary LEHMAN. That is right. That is the formal list.

Senator NUNN. We get a de facto list to make sure that we get——

Secretary LEHMAN. That is right.

Senator NUNN. The second question is the whole practice of frocking. I know it does go way back in individual cases, it has happened over a period of years.

What I am a little puzzled about is that, as I understand it, there are three steps.

First, you get selection for promotion. It has to be ratified by the President, and so forth. The executive branch selects once it gets to the President. Let us call it step one.

Second, the Senate has to confirm.

Third, usually you have a promotion, but frocking, as I understand the practice, is an interim step when there is not a slot there for promotion. If you go directly to promotion rather than have a frocking as an interim step, there is no frocking, all of it is merged into the promotion.

Am I right on that?

Secretary LEHMAN. That is right.

Senator NUNN. I guess what I am asking is: Why do you need frocking? Why can't you, generally speaking, go right directly to promotion which incorporates frocking anyway?

Secretary LEHMAN. In the case of a flag officer, there is around a 2-year wait, from the time he is promoted until there is a vacancy within the authorized ceiling.

So, when we have, for instance, a Battle Group Commander, commanding a battle group out in the Mediterranean, we feel that it is important that he wear the rank of rear admiral, lower half, rather than captain when he is in fact filling that admiral's position.

Similarly, in joint staffs and Navy staffs, if he is doing the work of an admiral, even though not being paid as and admiral, we feel he should be allowed to wear the uniform if he has been confirmed by the Senate.

Senator NUNN. You should have a legal limit on the number of flag officers. I understand that. That is a third area of inquiry. I will withhold my question on that for another day. You have made the point there are not enough.

I think that should be a subject of a hearing by the Committee on Manpower. The Secretary's office had given us this number 3 or 5 years ago. I will not hold my questions on that.

What imposes the requirement for frocking below the flag officer rank? Why are so many people who do not have actual slots there?

Is that the domino legislation?

Secretary LEHMAN. No; it has always been viewed as a strong morale builder and incentive, since there is often a long delay between promotions. As it is, we have fairly strict time-in-grade requirements allowing less than 5 percent early selection.

So, if a person is selected, there still may be more than 1 year's wait, even for a lieutenant commander, before he is put on the promotion list because he has to wait until a vacancy exists.

Senator NUNN. Vacancy in terms of numbers or in terms of positions?

Secretary LEHMAN. In terms of authorized strength, we have a finite number that are authorized to be regular Navy lieutenant commanders. We have to wait for one to retire before we can add another.

In NMPC, they keep the two lists together, those that have been promoted and the list of selectees. As one drops off the first list, they take the top most guy off the selectee list. That is how we maintain our authorized strength.

In the meantime, the selectee for lieutenant commander is very likely to have moved to a job or be in a job such as a department head in a squadron that is a lieutenant commander's billet. So, it is a strong morale boost to let him wear the symbol of authority that goes with the job.

That has become a general practice now, since the mid to late seventies, unless he is serving in a joint position where his peers are not frocked and then we do not frock such a person. Otherwise, we do not frock him.

Senator NUNN. There are a lot of them being frocked that are not going to that higher position, they are maintaining their same position with a higher insignia.

Secretary LEHMAN. That is right.

Senator NUNN. Is it a morale thing?

Secretary LEHMAN. Yes, very much so.

Senator WARNER. There should be some correlation between the number of billets for commanders and the number of commanders authorized by Congress.

Secretary LEHMAN. As we see, we have clearly validated 365 flag billets and yet we have only 250 flags authorized.

Senator WARNER. You are validating?

Secretary LEHMAN. That is true. I think if you went down each billet, you would agree——

Senator WARNER. I am talking about substance. It seems to me what you are telling us is that there is substantial disparity between the number of billets at various ranks you and the Secretary have designated requiring that rank and the number of persons at any given time on active duty holding that rank which have been authorized by Congress.

Secretary LEHMAN. I withhold an answer to that statement. I will say that is unequivocally true for flag officers. I will be happy to review for the record each rank below flag as to how great the disparity is between authorized and what the requirement might be.

Senator WARNER. If Congress has proposed that there should be only 10,000 commanders in the Navy—how many officers of that rank would you have?

Secretary LEHMAN. I will have to provide that for the record.

[The information follows:]

REQUIREMENTS VERSUS AUTHORIZATION

Requirements are the entering arguments used for determining requested end strengths, which are ultimately derived after consideration of fiscal, statutory, and policy constraints. The Ship Manpower and Squadron Manpower Documents provide wartime requirements for sea duty billets and provide a benchmark for measuring readiness. The Shore Manpower Document establishes shore manpower requirements. During peacetime, full attainment of these requirements is not affordable.

The fiscal year 1986 Requirement and Authorization numbers, by grade are listed below:

Grade	Requirement	Authorization
0-6	3,920	3,813
0-5	8,746	8,355
0-4	15,192	14,510
0-3	22,684	21,647
0-2	10,102	9,828
0-1	9,275	9,112

Senator WARNER. Then you may come along and say, no, it is my judgment we should have 12,000 commander billets, the way to get around the congressional mandate is just to frock and then, in effect, you have 12,000 commanders on duty, it makes no difference what Congress does.

Senator NUNN. They are not getting paid at that stage, but it is a strange practice.

I completely agree with your point, Mr. Chairman, frocking to me can be justified when there is a person that for many reasons or some reason cannot be paid at that level, but is performing that job.

But when they are staying in that same job and you are giving him the next insignia for morale purposes, it seems to me there should be something other than that.

It seems to me that dilutes the promotion process itself. I guess that is a subject for another day. I think it should be seriously examined.

Senator GLENN. How many billets that are not really paid, but are upped in rank anyway? Is it done because they are going to a

joint command or joint status where you want them to have more Navy rank in comparison to the other people on that?

I know that used to be done some. I wonder what percentage of your people are in that status where you are upping them in rank for bargaining chip purposes at joint command, and so on?

Secretary LEHMAN. Senator, that is exactly right. That used to be the policy. In Secretary Warner's time, that was the policy, and it resulted in a lot of gamesmanship and maneuvering.

Senator GLENN. It is false as the devil. It is ridiculous.

Secretary LEHMAN. To avoid that, we had people redesignating billets; for example, from lieutenant to lieutenant commander, so that his guys could wear the rank.

We found it much better to simply have a uniform policy to allow frocking without regard to the billet. It is another form of compensation that is nonpecuniary that very definitely has an attraction.

Senator GLENN. They have the rank, do they not, even though they are not being paid?

Secretary LEHMAN. That is right. They wear that rank.

Senator GLENN. That is false. It should not be done that way. It has not been approved by the Congress. The Congress sets the number of people of certain ranks. We go through those things. It is not right to go ahead and up them that way, I do not think.

Senator WARNER. That is the point we have to decide.

This is being done through the back door.

Senator GLENN. A lot of these things have been done in the past because you assign somebody to a joint staff. Instead of being a lieutenant commander, you are a commander. It is as false as the devil.

Senator WARNER. Secretary Lehman said he was going to reexamine that policy.

I have two observations and then I will yield to my colleagues here.

The promotion list that came to Congress, it is my recollection, is handled in the Secretary's Office in the Administrative Division.

Secretary LEHMAN. That is right.

Senator WARNER. A footnote to history. The first officer who handed that document to me was none other than Commander John Poindexter. He never made a mistake.

The other thing is that since I have the gavel this morning, if my colleagues agree, let us rid this committee of the practice of referring to promotions as routine. I think promotion is a mark of achievement. We should not have, in any of our paperwork on the floor, reference to promotions as routine.

Senator GLENN. Hear, hear.

Senator WARNER. The staff will take due note.

Senator Denton.

Senator DENTON. I first want to express my sense of elation that Senator Nunn, whom I respect, and Secretary Lehman, whom I respect, appear to agree. I was a little worried about Senator Nunn's indignation regarding the promotion system. I am elated that he says that you, Mr. Secretary, have satisfied him on the major point.

As to frocking, it began way before Secretary Lehman's time. In fact the first time I was frocked, Mr. Chairman, was under your Secretaryship——[Laughter.]

Senator WARNER. History will revisit one.

Senator DENTON [continuing]. To rear admiral, I do not know when it began.

Senator WARNER. As the Secretary earlier said, it began under John Paul Jones. It is a fairly good precedent, but we do not want to overdo it.

Senator DENTON. Not routinely so. I do not know when it began.

If you have been a lieutenant for 6 years, as I think I was, and everyone else was during those days, you know when your promotion finally comes. Mine was 1 year late because of administrative stuff, and they back dated my pay. If you are there a very long time, longer than normal, it is a pretty tough moral thing to stay there and, therefore, it may compensate just to be able to wear a different insignia.

You are not getting anything except a promotion that maybe in civilian life you would have gotten a lot earlier. I do not know how slowly promotions are going right now.

The only question I wish to ask is more or less a joke, if you will indulge me.

I want to know if my daughter-in-law broke the regulations. When she was married to my son, they were both lieutenants and she, having graduated 1 month ahead of him at OCS, was frocked. She refused to put on the insignia until 1 month later when he was frocked.

Now, in refusing to put on the insignia of her frocked rank, did she break regulations?

I have to report on this to her today.

Secretary LEHMAN. That is an interesting point. I will have to get my sea lawyers working on that. I will get you an answer, Senator, whether it is mandatory that you have to wear the rank.

Senator DENTON. Thank you, Mr. Secretary.

[The information follows:]

FROCKING POLICY

Frocking is an administrative authorization to wear the uniform of the higher grade. Personnel may elect not to be frocked.

Senator WARNER. Mr. Secretary, before we proceed further, I know we have imposed ourselves on your schedule, can you tell us what your time constraints are so that members might govern themselves accordingly?

Secretary LEHMAN. I am at your service, Mr. Chairman.

Senator WARNER. Then we will now go to Senator Bingaman.

Senator BINGAMAN. I have no questions on this issue, Mr. Chairman.

Is that the subject of the hearing, this frocking?

Secretary LEHMAN. That is right.

Senator BINGAMAN. I thought we were going to talk a little more about defense organization. I was misinformed.

Senator WARNER. We do not want to open that box with this gentleman again.

Secretary LEHMAN. I will be happy to speak to that subject. [Laughter.]

Senator BINGAMAN. I know he has some strong views on that.

Senator WARNER. I am going to exercise whatever authority the chairman may have to restrict the subject matter to that announced.

Senator Gramm.

Senator GRAMM. I want to thank Senator Nunn for bringing up the issue. Quite frankly, I did not know what frocking was. Now I have added a new word to my vocabulary.

No. 2, I am for it. There are so few good things that happen to one in life that if we can get the good feeling about being promoted twice, why not do it.

I remember back when I was in the business of publish or perish, the frocking was when you got to the step that the article was going to be published and you celebrated and when it came out, you celebrated.

So, you got twice the happiness for one good event. In a world that is very stringy with happiness, I think it is a good thing. Continue it on my behalf.

Senator WARNER. Senator Glenn.

Senator GLENN. I guess I am a little bit on the other side, although not very strongly, I guess it is understood in the military, it was when I was in the military, that you came out on the promotion list and when your time came up, you got it. That was just part of the system.

You did not try to act as though you were something you were not in the interim period. I think it is straightforward and that is the way it is.

I think when you start off on these other tracks, I think you are treading on thin ice over there, letting people be promoted, but they are not getting the pay, but they got the rank, they do this and do that. It is a false front type of thing that I do not particularly care for.

I know it has grown over the years. If it came down to a vote, I would be absolutely against it.

Senator Wilson is not here this morning, but he and I might want to look at this in the Manpower Subcommittee. I hesitate to put any more in our basket than we already have. We might want to look into this. It is a promotion system, it is there, it is outlined.

So, people got their promotion, fine, have your party, but you do not get the big wetting down party until you get the bars and you get the pay. That is the important thing in getting promoted.

People who have trouble waiting the extra 2 or 3 months, whatever it is, that is tough as far as I am concerned. That is the way it is.

So, the frocking thing has been a false front type of thing to me. It is trying to be something you are not; quite yet. I do not agree with it basically.

On the other subject, on promotions, just one other thing.

I was going to look into some of my own files last night on promotion papers just to see how it used to be done. As I recall it, every time there was a promotion, it said pursuant to public law,

whatever, whatever, and as confirmed by the Senate on such and such a date. I thought that was on every promotion order.

Is that not done now? Do you not put the Senate confirmation on?

Secretary LEHMAN. I will look into that. I do not think it is.

[The information follows:]

SENATE CONFIRMATION

The wording "with advice and consent of the Senate" is on Navy Promotion Certificates. Commencing January 1986, Senate confirmation will be specifically included on the monthly promotion lists.

Marine Corps Promotion Certificates do not have the date of Senate confirmation but that information is put in the Marine Corps Promotion Log which is the official record of all Marine Corps promotions.

Senator GLENN. It would be an extremely simple way of preventing any screw up like this one we just went through on the commanders.

Secretary LEHMAN. The Marine Corps may well do that because they do have a very definite certification requirement, the bill number is a useful way to do that.

Senator GLENN. I was going to look it up.

Secretary LEHMAN. I will do that for you.

Senator GLENN. It is not a bad idea to bounce it off your troops over there and you never would have that out. It would have Senate confirmation on it and it would solve the whole problem.

Secretary LEHMAN. That is a good idea.

Senator NUNN. I am going to have to leave. Let me say I do not agree with all the policy matters. The number of admirals and all that is a subject for another day.

The Secretary has completely solved the problem that I was most concerned about and that is: What are we going to do about the policy of not having Senate confirmation before frocking occurs; and the Secretary has assured us this morning that he has solved that problem.

I have no reason to hold these routine nominations now.

Senator WARNER. Would you like to move that the committee approve it?

Senator NUNN. We have approved them.

Senator WARNER. They will now go to the floor and be acted on by the Senate?

Senator NUNN. That is correct.

Senator WARNER. Senator Quayle.

Senator QUAYLE. Let the record show I have no questions concerning frocking.

Senator WARNER. If there are no other matters to come before the committee, the committee stands in recess.

We express our appreciation to you, Mr. Secretary, for responding so promptly and effectively.

Secretary LEHMAN. Thank you, Mr. Chairman.

[Whereupon, at 10:45 a.m., the committee adjourned, subject to the call of the Chair.]

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